

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 779X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN TRUMBULL COUNTY, OHIO

Decided: June 21, 2018

On May 10, 2018, CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments to abandon approximately 13.9 miles of rail line on its Newton Falls Subdivision, between milepost BGA 86.1 and milepost BGA 100.00, in Trumbull County, Ohio (the Line). On May 30, 2018, notice of the exemption was served and published in the Federal Register (83 Fed. Reg. 24,837). The exemption is scheduled to take effect on June 29, 2018.

On June 11, 2018, the City of Newton Falls, Ohio (the City), filed a notice of intent to file an offer of financial assistance (OFA) to purchase the Line. The City's notice of intent, however, does not comply with the Board's requirements at 49 C.F.R. § 1152.27(c)(2)(i).<sup>1</sup> The regulations specify the information required in a notice of intent, including a showing of preliminary financial responsibility based on a calculation using information specified at 49 C.F.R. § 1152.27(c)(1)(ii). The City did not provide the required calculation and supporting documentation.

Because the City's notice of intent does not comply with the Board's requirements, it will be rejected.<sup>2</sup>

---

<sup>1</sup> On June 29, 2017, the Board adopted a final rule modifying its OFA procedures. Offers of Financial Assistance, EP 729 (STB served June 29, 2017); see also 82 Fed. Reg. 30,997 (July 5, 2017). That rule became effective on July 29, 2017.

<sup>2</sup> On June 11, 2018, BDM Warren Steel Holdings, LLC (BDM), also filed a notice of intent to file an OFA that, as supplemented on June 14, 2018, makes the required showing of preliminary financial responsibility. Therefore, the effective date of the exemption is automatically stayed until July 9, 2018 (40 days after notice of the exemption was served and published in the Federal Register), pursuant to 49 C.F.R. § 1152.27(c)(2)(i).

It is ordered:

1. The City's notice of intent to file an OFA is rejected.
2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.